ORDINANCE NO. 2105

AN ORDINANCE of the City of Kent, Washington, ordering the improvement of a portion of the City by the construction and installation of 8 inch, 10 inch and 12 inch sanitary sewers in, along and near 94th Place South and South 218th Street in the area bounded by South 218th on the south, a point 1,650 feet north of South 218th Street on the north, a point 400 feet west of 94th Place South on the west, and a point 300 feet east of 94th Place South on the east; all in accordance with Resolution 843 of the City Council; establishing Local Improvement District No. 287; providing that payment for the costs of the improvement be made by special assessments upon the property in the District, payable by the mode of "payment by bonds", or "note in lieu of bonds"; and providing for the issuance and sale of Local Improvement District warrants redeemable in cash and Local Improvement District Bonds or Note in Lieu of Bonds.

WHEREAS, by Resolution 843, adopted May 15, 1978, the City Council declared its intention to order the improvement of a portion of the City by the construction and installation of 8 inch, 10 inch and 12 inch sanitary sewers in, along and near 94th Place South and South 218th Street in the area bounded by South 218th Street on the south, a point 1,650 feet north of South 218th Street on the north, a point 400 feet west of 94th Place South on the west, and a point 300 feet east of 94th Place South on the east all within the City of Kent, and fixed June 19, 1978 at 8 o'clock p.m. in the Council Chambers in the City Hall as the time and place for hearing of all matters relating to the proposed improvement and all objections thereto and for determining the method of payment for the improvement; and

WHEREAS, the City Engineer of the City of Kent caused an estimate to be made of the cost and expense of the proposed improvement and certified that estimate to the City Council, together with all papers and information in his possession touching the proposed improvement, a description of the boundaries of the District, a statement of what portion of the cost and expense of the improvement should be borne by the property within the proposed District, a statement in detail of the local improvement assessment outstanding or unpaid against the property in the proposed District, according to the valuation last placed upon it for the
purpose of general taxation; and

WHEREAS, that estimate is accompanied by the diagram of the proposed improvement showing thereon the lots, tracts, parcels of land, and other property which will be specially benefited by the proposed improvement, and the estimated amount of the cost and expense thereof to be borne by each lot, tract, and parcel of land or other property; and

WHEREAS, due notice of the above hearing was given in the manner provided by law, and the hearing was held by the City Council on June 19, 1978, and all persons having been heard, and one written protest having been received, and the Council having considered said written protest at a meeting with said protestor on June 26, 1978 and having denied said protest; and

WHEREAS, the City Council has determined it to be in the best interest of the City that the improvement as hereinafter described be carried out and that a local improvement district be created in connection therewith, NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Kent, Washington orders improvement of a portion of the City by the construction and installation of sanitary sewers as more fully described in Exhibit "B" attached hereto and by this reference made a part hereof.

All of the foregoing shall be in accordance with the plans and specifications therefore prepared by the City's Consulting Engineer.

The City reserves the right to make changes in such improvement as long as such changes do not materially affect the purpose of the improvement.

Section 2. There is hereby created and established a local improvement district to be called "Local Improvement District No. 287 of the City of Kent, Washington", which district is described in Exhibit "A" attached hereto and by this reference made a part hereof.

Section 3. The total estimated cost and expense of that improvement is hereby declared to be $232,639.02 which shall be borne by and assessed against the property specially benefited.
by the improvement to be included in a local improvement district to be established embracing as near as may be all property specially benefited by the improvement.

Section 4. In accordance with the provisions of RCW 35.44.047, the City may use any method or combination of methods to compute assessments which may be deemed to fairly reflect the special benefits to the properties being assessed.

Section 5. Local improvement district warrants shall be issued in payment of the cost and expense of the improvements herein ordered to be assessed, such warrants to be payable out of the "Local Improvement Funds, District No. 287", hereinafter created and referred to as the "Local Improvement Fund", to bear interest from the date thereof at a rate to be hereafter fixed by ordinance not to exceed 8% per annum and to be redeemed in cash, and/or by local improvement district bonds, or note in lieu of bonds, herein authorized to be issued, such interest-bearing warrants to be hereafter referred to as "Revenue Warrants." The City is authorized to issue local improvement district bonds or note in lieu of bonds for the District which shall bear interest at a rate to be hereafter fixed by ordinance, shall be payable on or before twelve (12) years from the date of issuance, the life of the improvement ordered being not less than the term of the bonds, and shall be issued in exchange for and in redemption of any and all revenue warrants issued hereunder and not redeemed in cash within a period of not to exceed sixty (60) days after the first publication by the Supervisor of Treasury Accounting of notice that the assessment roll for Local Improvement District No. 287 is in her hand for collection. The bonds or note in lieu of bonds shall be redeemed by the collection of special assessment to be levied and assessed against the property within the District, payable in ten (10) equal annual installments, with interest at a rate to be hereafter fixed by ordinance, not exceeding 8 1/2% per annum, under the mode of "payment of bonds", or "note in lieu of bonds", as defined by law and the ordinances of the City. In the case of default in the payment of any assessment when the same shall become due, there shall be added interest at a rate to be hereafter fixed by ordinance not to exceed 8 1/2% per annum and a penalty of 6% which shall also be collected. The exact form, amount, date, interest rate and denominations of the revenue warrants and local improvement district bonds shall be hereafter fixed by ordinance of the City Council. The warrants and bonds shall be sold in such manner as the City Council shall hereafter determine.
Section 6. All work necessary to be done in connection with the making of the improvement shall be done by and made by contract upon competitive bids and the City shall have and reserve the right to reject any and all bids. The call for bids for work authorized pursuant to this Ordinance shall include a statement that payment for the work will be made in cash warrants drawn upon the Local Improvement Fund.

Section 7. There is hereby created and established in the office of the Supervisor of Treasury Accounting of the City of Kent, for the District, a special fund heretofore designated and referred to as the Local Improvement Fund, District No. 287, into which fund shall be deposited the proceeds from the sale of revenue warrants drawn against the fund which may be issued and sold by the City, and collections pertaining to assessments, and against which fund shall be issued cash warrants to the contractor or contractors in payment for the work to be done by them in connection with the improvement, and against which fund cash warrants shall be issued in payment of all other items of expense in connection with the improvement.

Section 8. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ISABEL HOGAN, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY
PASSED the 17 day of July, 1978.
APPROVED the 18 day of July, 1978.
PUBLISHED the 20 day of July, 1978.

I hereby certify that this is a true copy of Ordinance No. 2105, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Seal]

MARIE JENSEN, CITY CLERK
EXHIBIT "A"

L.I.D. #287
PRELIMINARY LIEN L.I.D. BOUNDARY DESCRIPTION
4/25/78

That portion of Section 7 Township 22 North Range 5 East N.M. described as follows:

Beginning at the Northeast corner of the Southwest quarter of the Northeast quarter being the TRUE POINT OF BEGINNING; thence West along the North line thereof to a point on the Southerly margin of South 212th Street; thence continuing in a Westerly direction along said Southerly margin to a point which lies 367.82 feet East of the Northwest corner of said subdivision. Thence South parallel with the West line of said subdivision to a point on the North line of the South half of the Southwest quarter of the Northeast quarter of said section; thence West along the North line thereof a distance of 78.16 feet; thence South parallel with said West line to a point on the South line of the North half of the South half of the Southwest quarter of the Northeast quarter; thence West along said South line a distance of 16.66 feet; thence South parallel with said West line a distance of 164.94 feet; thence East parallel with the South line of the Northeast quarter of said section a distance of 11.00 feet; thence South parallel with said West line a distance of 164.94 feet to a point on the South line of the Northeast quarter of said section; thence East along said South line of said Northeast quarter a distance of 45.75 feet; thence South parallel with the West line of the Northeast quarter of the Southeast quarter of said Section 7 a distance of 150.00 feet; thence in a straight line in a Southeasterly direction to a point on the North margin of South 218th Street; thence East along said North margin to a point on the East line of the North half of the Northwest quarter of the Southeast quarter; thence North along the East line to the Northeast corner of said North half; thence continuing North along the East line of the Southwest quarter of the Northeast quarter to the Northeast corner thereof and the TRUE POINT OF BEGINNING.

Subject to revision upon examination of record title.
### LEGAL DESCRIPTION

See Exhibit "A" attached and made a part thereto.

### IMPROVEMENT

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<th>SIZE</th>
<th>ON</th>
<th>FROM</th>
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<tbody>
<tr>
<td>12&quot;</td>
<td>Easement</td>
<td>A point on 218th St. which lies 300 feet west of 94th Place</td>
<td>A point approximately 650 feet North of 218th Street and 400 feet West of 94th Place and designated as Point &quot;A&quot;</td>
</tr>
<tr>
<td>12&quot;</td>
<td>Easement</td>
<td>Point &quot;A&quot;</td>
<td>A point approximately 1000 feet North of 218th Street and 350 feet West of 94th Place and designated as Point &quot;B&quot;</td>
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<tr>
<td>12&quot;</td>
<td>Easement</td>
<td>Point &quot;B&quot;</td>
<td>A point approximately 1300 feet North of 218th Street and 275 feet West of 94th Place and designated as Point &quot;C&quot;</td>
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<tr>
<td>12&quot;</td>
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<td>Point &quot;C&quot;</td>
<td>A point approximately 1650 feet North of 218th Street and 275 feet West of the projected northerly alignment of 94th Place and designated as Point &quot;D&quot;</td>
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<tr>
<td>10&quot;</td>
<td>94th Place</td>
<td>S. 218th Street</td>
<td>A point approximately 220 feet North of 218th Street and designated as Point &quot;E&quot;</td>
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<td>10&quot;</td>
<td>94th Place</td>
<td>Point &quot;E&quot;</td>
<td>A point approximately 500 feet North of 218th Street and designated as Point &quot;F&quot;</td>
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<tr>
<td>10&quot;</td>
<td>94th Place</td>
<td>Point &quot;F&quot;</td>
<td>A point approximately 650 feet North of 218th Street</td>
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DATA SHEET
L.R.D. #287

EXHIBIT "B"

-2-  May 10, 1978

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<tr>
<td>8&quot;</td>
<td>Easement</td>
<td>Point &quot;D&quot;</td>
<td>East 400 feet</td>
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<td>8&quot;</td>
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<td>Point &quot;B&quot;</td>
<td>94th Place South</td>
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<tr>
<td>8&quot;</td>
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<td>Point &quot;E&quot;</td>
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<td>218th Street</td>
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<td>300 feet East of 94th Place South</td>
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<tr>
<td>6&quot;</td>
<td>Easement</td>
<td>Point &quot;C&quot;</td>
<td>160 feet East</td>
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<tr>
<td>6&quot;</td>
<td>Easement</td>
<td>Point &quot;E&quot;</td>
<td>150 feet East</td>
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TOTAL PROJECT COST: $232,639.02

HEARING DATE ON PRELIMINARY ASSESSMENT ROLL: July 3, 1978

June 19, 1978